

REMARKS

In the Office Action of July 22, 2009, claims 1-9 and 15-86 were rejected as follows:

- 35 USC § 101
 - Claims 20, 21, 23-25, and 27-46 were rejected under 35 USC § 101 in light of *In re Bilski*;
 - Claims 3, and 7-9 were rejected under 35 USC ¶ 101 as being directed to more than one class of statutory subject matter;
- 35 USC § 112
 - Claims 1-9, 15-21, 23-25, 27-67, and 83-85 were rejected as indefinite
- 35 USC § 102(e) and § 103(a)
 - Over Calver (U.S. Pub. 2001/0032092): Claims 1-9 and 15-86

Reconsideration and allowance of the claims in view of the following amendments and arguments herein are respectfully requested.

Applicants' Amendments and Response

- 35 USC § 101

Claim 20 has been amended to recite “the method comprising a computer” to carry out the recited steps. As amended, claim 20 and its dependent claims 21, 23-25, and 27-46 are tied to a computer. Applicants respectfully request withdrawal of the rejections.

In claims 3 and 7-9, the method language (per the Examiner’s characterization) has been deleted. Applicants respectfully request withdrawal of the rejections of claims 3 and 7-9.

- 35 USC § 112

Each of the independent claims in the application has been amended to include that the analysis or analyze element includes comparing the at least one business organization data input to at least one industry threshold (how the analysis/analyze is carried out) and determining a performance matrix of the business organization based on the comparison (the result). The model/modeling elements have been amended to include determining an effect on the performance matrix of transforming the business organization to the second state, thereby providing not only a relationship to the analysis/analyze element, but also to provide a result (to determine the effect thereon) based on the model.

Accordingly, Applicants respectfully request withdrawal of the indefinite rejections of claims 1-9, 15-21, 23-25, 27-67, and 83-85.

- 35 USC § 102(e) and § 103(a)

Applicants first note that the claims have been amended to structurally recite the limitations the Examiner referred to as “intended use” limitations. Also, the display in claim 1 has been amended to a hardware display (support is at least in ¶ 29).

Claim 1

Claim 1 recites that the microprocessor is configured to “determine a performance matrix of the business organization based on the comparison” where the comparison is between “at least one business organization data input” and “at least one industry threshold.” Calver does not disclose and fails to suggest “determining a performance matrix of [a] business organization.” Therefore, Calver fails to anticipate or render obvious claim 1.

Calver discloses an interactive computer network that provides user tailored information to a user wherein user tailored financial and business information can be interactively rendered to a user, based on user provided financial and business information. Calver at ¶¶ 132-142 discusses questionnaires presented to a user and

resulting information. An application allows users to select criteria for determining appropriate products for their small businesses. A list and description of products that match the needs of the user are generated based on the user input. Calver discloses that industry specific information can be forwarded to a user. Calver's discloses only very generally the categories of "Take My Business to the Next Level" "Manage My Asset Better" and "Reduce My Costs" and fails to provide and/or suggest that these categories have any association to or in any way involve a system to "determine a performance matrix of the business organization based on the comparison" as claimed. The categories "Take My Business to the Next Level" "Manage My Asset Better" and "Reduce My Costs" are merely links to outside information.

For at least these reasons, claim 1 is believed allowable over Calver.

Applicants respectfully request that the rejection of claim 1 be withdrawn.

Claims 2-9

Claims 2-9 depend on claim 1 and are believed allowable for at least the same reasons.

Claim 15

As amended, claim 15 includes the features discussed above in claim 1 for distinguishing over Calver.

For the reasons stated above for claim 1, claim 15 is believed not anticipated by or obvious over Calver.

Applicants respectfully request that the rejection of claim 15 be withdrawn.

Claims 16-19

Claims 16-19 depend on claim 15 and are believed allowable for at least the same reasons.

Claim 20

As amended, claim 20 includes the features discussed above in claim 1 for distinguishing over Calver.

For the reasons stated above for claim 1, claim 20 is believed not anticipated by or obvious over Calver.

Applicants respectfully request that the rejection of claim 20 be withdrawn.

Claims 21-46

Claims 21-46 depend on claim 20 and are believed allowable for at least the same reasons.

Claim 47

As amended, claim 47 includes the features discussed above in claim 1 for distinguishing over Calver.

For the reasons stated above for claim 1, claim 47 is believed not anticipated by or obvious over Calver.

Applicants respectfully request that the rejection of claim 47 be withdrawn.

Claims 48-61

Claims 48-61 depend on claim 47 and are believed allowable for at least the same reasons.

Claim 62

As amended, claim 62 includes the features discussed above in claim 1 for distinguishing over Calver.

For the reasons stated above for claim 1, claim 62 is believed not anticipated by or obvious over Calver.

Applicants respectfully request that the rejection of claim 62 be withdrawn.

Claims 63-82

Claims 63-82 depend on claim 62 and are believed allowable for at least the same reasons.

Claim 83

As amended, claim 83 includes the features discussed above in claim 1 for distinguishing over Calver.

For the reasons stated above for claim 1, claim 83 is believed not anticipated by or obvious over Calver.

Applicants respectfully request that the rejection of claim 83 be withdrawn.

Claims 84 and 85

Claims 84 and 85 depend on claim 83 and are believed allowable for at least the same reasons.

Conclusion

Therefore, in view of the above remarks, we respectfully submit that this application is in condition for allowance and such action is earnestly requested.

If for any reason the Examiner is not able to allow the application, he is requested to contact the Applicants' undersigned attorney at (312) 321-4200.

Respectfully submitted,

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